UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/838,365
Filing Date: April 19, 2001
Appellant(s): RODRIQUEZ ET AL.

International Business Machines Corporation
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8 August 2005 appealing from the Office

action mailed 20 April 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| 6,708,309 | Blumberg | 3-2004 |
| 2002/0000998 | Scott et al. | 1-2002 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over by

Scott et al. (herein after Scott) U.S. Patent Pub No. 2002/0000998 A1 filed 1/5/1998, in

view of Blumberg U.S. Patent No 6,708,309 B1 filed 3/11/1999.

In regard to independent claim 1, Scott discloses identifying an initial image to be

displayed ...; providing alternate images ...; wherein the alternate images differ from the

initial image in size and resolution (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10

and 11); displaying the initial image (Scott Para 0041 and Fig 4); providing a selector for

accessing the alternate images; and responsive to receiving user selection input,

replacing the initial image with an alternate image... (Scott Para 0096)

Scott does not specifically mention the process involves an electronic document.

However, Blumberg mentions that the images can be embedded within a scalable

electronic document (Blumberg Col 2 Lines 19-25). It would have been obvious to one

or ordinary skill in the art at the time of the invention to apply Blumberg to Scott,

providing Scott the benefit of embedded the different sized images into a scalable

electronic document to ensure the correct formatting of the document after the image is embedded.

Scott does not specifically disclose further comprising wherein reformatting the electronic document. However, Blumberg shows text that is resized along with the image (Blumberg Figures 4A-4C). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of resizing the text with the image to keep the document neat.

In regard to dependent claim 2, Scott discloses wherein the alternate images are cached in memory. (Scott Para 0130 cache in memory)

In regard to dependent claim 3, Scott does not specifically disclose wherein the alternate images are stored on a server. However, Blumberg shows images stored in a server (Blumberg Figure 3). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of storing the images in a server so the user can request the images from the server.

Scott does not specifically disclose of at least one of the alternate images is automatically downloaded from the server concurrent with the displaying step. However, Blumberg mentions that other images are downloaded and can substitute the initial screen image (Blumberg Col 18 Lines 15-23). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of downloading alternate sized images to display rather than the original image to better organize the way the document is displayed.

In regard to dependent claim 4, In regard to independent claim 1, Scott discloses identifying an initial image to be displayed ...; providing alternate images of the initial image ...; wherein the alternate images differ from the initial image in size and resolution, and wherein the alternate images are different-sized versions of the initial image (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11); displaying the initial image (Scott Para 0041 and Fig 4); providing a selector for accessing the alternate images; and responsive to receiving user selection input, replacing the initial image with an alternate image. (Scott Para 0096)

Scott does not specifically mention the process involves an electronic document. However, Blumberg mentions that the images can be embedded within a scalable electronic document (Blumberg Col 2 Lines 19-25). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of embedded the different sized images into a scalable electronic document to ensure the correct formatting of the document after the image is embedded.

Scott discloses further comprising having an alternate image attribute; wherein the alternate image attribute specifies the alternate image (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11).

Scott does not mention a HTML/XML image tag. However, Blumberg mentions an HTML format (Blumberg Col 6 Lines 1-20). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing

Scott the benefit of redefining an HTML image tag which is important for images located on a website.

In regard to dependent claim 5, Scott does not specifically disclose further comprising wherein reformatting the electronic document comprises reflowing text around the alternate image in the electronic document to accommodate changes in image size. However, Blumberg shows text that is resized along with the image (Blumberg Figures 4A-4C). It would have been obvious to one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of resizing the text with the image to keep the document neat.

In regard to dependent claim 6, Scott discloses wherein the size of the initial image is preset by the user. (Scott Para 0076)

In regard to dependent claim 7, Scott discloses wherein image resolution adjusts automatically with changes in image size. (Scott Para 0072)

In regard to dependent claim 8, Scott discloses wherein the selector comprises indicators displayed on the image. (Scott Para 0076)

In regard to dependent claim 9, Scott discloses wherein the image itself provides access to alternate clicking on images. (Scott Para 0076)

In regard to dependent claim 10, Scott discloses wherein the electronic document may be used within browser, word processing, and desktop publishing applications. (Scott Para 0094 and 0133)

In regard to independent claim 11, Scott discloses receiving a display of an initial image ...; selecting an alternate image from a plurality of alternate images by means of

a selector, wherein the alternate images are explicitly referenced ... (Scott Para 0076

Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11); and receiving a display of the

alternate image in place of the initial image in the electronic document, wherein the

alternate image differs from the initial image in size and resolution. (Scott Para 0138-

0139 and Figures 4, 5A; 8, 9, 10 and 11)

Scott does not specifically mention the process involves an electronic document.

However, Blumberg mentions that the images can be embedded within a scalable

electronic document (Blumberg Col 2 Lines 19-25). It would have been obvious to one

or ordinary skill in the art at the time of the invention to apply Blumberg to Scott,

providing Scott the benefit of embedded the different sized images into a scalable

electronic document to ensure the correct formatting of the document after the image is

embedded.

In regard to dependent claim 12, Scott discloses wherein the alternate images

are explicitly references in the electronic document by an image tag contained within the

electronic document. (Scott Para 0076 Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and

11)

In regard to dependent claim 13, Scott does not specifically disclose wherein the

step of selecting alternate images further comprises clicking on indicators displayed on

a corner of the image. However, Blumberg mentions clicking on an image, which could

be clicked in the corner (Blumberg Col 14 Lines 33-52). It would have been obvious to

one or ordinary skill in the art at the time of the invention to apply Blumberg to Scott,

providing Scott the benefit of click on the images anywhere including a corner to adjust

the size and resolution of the image as taught by Blumberg Col 14 Lines 33-52.

In regard to dependent claim 14, Scott discloses wherein the step of selecting

alternate images further comprises cycling through alternate images by clicking on the

images. (Scott Para 0076)

In regard to independent claims 15 and 17, claims 15 and 17 in addition to

following reflect similar subject matter claimed in claim 1 and is rejected along the same

rationale. Instructions (Scott Para 0181) and Apparatus (Scott page 19 Claim 28)

In regard to independent claims 16 and 18, claims 16 and 18 in addition to

following reflect similar subject matter claimed in claim 11 and is rejected along the

same rationale. Instructions (Scott Para 0181) and Apparatus (Scott page 19 Claim 28)

(10) Response to Argument

Claims 1-3, 15, and 17

As per claims 1-3, 15, and 17, the appellant argues that the cited references fail

to teach or suggest providing references to a plurality of alternative images of an initial

image within the same document that contains the initial image, where the plurality of

images are multiple different versions of the initial image, but having different sizes

(page 12). The examiner respectfully disagrees. Scott discloses displaying an initial

image as a thumbnail image to ease browsing of images (paragraph 0138). A user then

selects an image (Figure 21, step 188B; paragraph 0139). This causes a fast zoom-in

of the initial image (paragraph 0139). This fast zoom-in image is an alternate image, as

disclosed by the claim. The fast zoom-in image has a different size and resolution than the thumbnail (initial) image. Further, if the fast zoom-in image is desired by the user, the true image, another alternate image, is retrieved (paragraph 0139). Both alternative images, the fast zoom-in and the true image, are referenced and accessed through the initial image displayed in the original document based upon a user selection of an original, thumbnail, image (paragraphs 0138-0139).

The appellant further argues that the cited references fail to teach the step of, "responsive to receiving user selection input, replacing the initial image with an alternate image *and reformatting the electronic document* (page 14)." However, the examiner respectfully disagrees. The appellant emphasizes the belief that Blumberg fails to disclose reformatting an electronic document (page 14). However, the appellant acknowledges that Blumberg discloses re-scaling both an image and text for display (page 14). The examiner believes the format of a document to be the structure or appearance of data within the document. Similarly, reformat would involve the change of the structure or appearance of data within a document. Consequently, the examiner believes that re-scaling, as disclosed by Blumberg (column 13, lines 45-55), satisfies the requirement of changing the appearance of data within the document.

Claim 4

As per dependent claim 4, the appellant argues that the cited references fail to teach "responsive to receiving user selection input, replacing the initial image with an alternate image *using a HTML/XML image tag having an alternate image attribute,*

wherein the alternate image attribute specifies the alternative image (page 15)." The

examiner respectfully disagrees. Scott discloses the use of references to alternate

images, and display of the alternate images (paragraphs 0138-0139). Blumberg

discloses use of the HTML document format, containing tag data the specifies

references to image data (column 6, lines 1-10 and 37-49). As Blumberg discloses,

images are often referenced using a universal resource locator (URL), that specifies

where the image is stored (column 6, lines 37-49). It would have been obvious to one

of ordinary skill in the art at the time of the appellant's invention to have combined

Scott's use of alternative images with Blumberg's tagging of images using HTML, since

it would have allowed a user the benefit of embedded images in a scalable electronic

document to ensure correct formatting of the document.

Further, the appellant argues the IIP protocol disclosed by Blumberg is a

"transfer protocol standard, and is not a document markup language such as HTML

(page 16)." The examiner does not dispute this, as Blumberg discloses the use of IIP

allowing a user to request portions of an image at a specific resolution (column 10, lines

30-36). However, the appellant is incorrect in assuming that simply because the IIP

standard is used, that the requested image cannot be used in conjunction with an HTML

document. Blumberg discloses embedding IIP image requests within an HTML page to

request a JPEG image (column 10, lines 30-60). After processing is completed at a

server, the JPEG image is embedded in an HTML page and returned to a client (column

10, lines 30-60).

Claim 5

As per dependent claim 5, the appellant argues that the cited references fail to disclose "reformatting the electronic document comprises reflowing text around the alternate image in the electronic document to accommodate changes in image size (page 16)." The examiner respectfully disagrees. The examiner believes reflow to be the way the content of a page can resize (or reflow) to fit the size of the screen displaying the content. As disclosed by Blumberg, as the image is resized to fit the screen, the text coinciding with the resized portion is similarly resized to fit the screen displaying the content (Figures 4A-4C).

Claims 11, 16, and 18

As per claims 11, 16, and 18, the appellant submits the arguments substantially similar to those submitted with respect to claims 1-3, 15, and 17 (pages 16-17). These arguments have been addressed above.

The appellant further argues that there is no motivation to combine the Scott and Blumberg reference (page 17). However, the examiner respectfully disagrees. It would have been obvious to one of ordinary skill in the art at the time of the appellant's invention to have combined Scott and Blumberg in order to provide the benefit of embedded images in a scalable electronic document to ensure the correct formatting of the document after the image is embedded (Scott: paragraphs 0138-0139; Blumberg: column 3, line 66- column 4, line 8: Here, Blumberg discloses composing an image according to layout information).
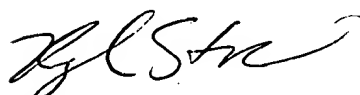
Claim 12

As per claim 12, the appellant submits the arguments substantially similar to those submitted with respect to claim 4 (page 17). These arguments have been addressed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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07 October 2005

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